

### **Remarks**

This Amendment is in response to the Office Action dated **April 24, 2004**, wherein the drawings were objected to as not showing all of the features claimed; claims 1-4, 7-12 and 14-15 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. 5,395,334 to Keith et al (Keith); and claims 1-4, 6-12 and 15-15 were rejected under 35 U.S.C §102(b) as being obvious over U.S. 5,447,497 to Sogard.

The following comments are presented in the same order and with paragraph headings corresponding to the Office Action.

### **Drawings**

As indicated above, the attached sheets of drawings include the submission of formal drawings for FIGs. 1-5. In addition FIG. 5 has been amended to more clearly illustrate the bonding of the three components as described in the specification. In the Office Action the Examiner indicated that it is necessary to show that the at least a portion of the third outside diameter being substantially equal to the first outside diameter. The original drawing attempted to show this feature by illustrating the bonded portions of the three components as a single element from which the un-bonded portions of the various components extend, thus providing a bonded portion of a third component which has an outer diameter substantially the same as that of a portion of a first component. The proposed amended drawing also shows the three components having been joined together as a single layer defined by solid lines, but also relies on the use of dotted lines to illustrate the distinctness of the three components just prior to being fully assembled.

Applicant notes that the transition from distinct and separate overlapping layers to a single bonded layer is described and shown in FIGs. 2-4; FIG 5, merely provides a third component. One of ordinary skill in the art will recognize and understand that the catheter shown in FIG. 5 would be assembled in accordance with the same principles and steps as the embodiments depicted in FIGs. 2-4 (see also page 7, lines 1-9).

**Claim Rejections – 35 USC §102**

In the Office Action claims 1-4, 7-12 and 14-15 were rejected under §102(b) as being anticipated by Keith.

In light of the amendment to claim 1 above the rejection based on Keith is respectfully overcome.

Keith does not teach providing a catheter having a preassembly state wherein a first component, at least a portion of which is disposed about at least a portion of a second component, and a third component, of which at least a portion is disposed about the first component; and an assembled state wherein the outer diameter of the first component is substantially equal to the outer diameter of the second and third components as instant claim 1 describes.

In the Office Action claims 1-4, 6-12 and 15-15 were rejected under §102(b) as being obvious over Sogard.

In light of the amendment to claim 1 above the rejection based on Sogard is respectfully overcome.

Sogard does not teach a catheter having all of the elements of claims 1. Sogard does not illustrate a catheter having three components which when in the assembled state the outer diameter of the first component is substantially equal to the outer diameter of the second and third components.

**Conclusion**

In view of the foregoing it is believed that the present application, with 1-4, 6-12, and 14-15 is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: 4/22/04

By: 

James M. Urzedowski  
Registration No.: 48596

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001

f:\wpwork\jmu\09696us01\_amd\_20040225.doc